

# Minutes of a Regular Meeting

APPROVED 3/1/2007

## Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, February 1, 2007, 7:00 p.m.

Council Chambers, 26379 Fremont Road

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cc: Cassettes (3) #2-07

### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins, Commissioners Carey, Clow, Cottrell & Harpootlian

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Nicole Horvitz, Assistant Planner; Leslie Hopper, Contract Planner, Victoria Ortland, Planning Secretary

### 2. PRESENTATIONS FROM THE FLOOR

Chairman Collins requested a moment of silence from the assembly to honor a fallen soldier from Los Altos Hills who had served in Iraq.

### 3. PUBLIC HEARINGS

- 3.1 LANDS OF PAPP, 13263 Simon Lane (180-06-ZP); A request to install a 6' open wire mesh fence and 6' wrought iron driveway gate. A portion of the new wire mesh fence is proposed along a 10' wide pathway easement and will require removal of an existing hedge along the north property line. CEQA exemption 15303(e) (Staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner presented the staff report stating that the fence application had been forwarded to the Planning Commission for review because a hedge on the northern property line would need to be removed. Town ordinance requires a public hearing for projects when existing landscape screening is proposed for removal. Abutting the Papp property on the west was an 18 acre parcel of land and across Natoma Road was the Poor Clares' property of 20 acres. The applicant had requested installation of a 6 foot high open wire mesh fence along the northern and southern property lines and a 6 foot high wrought iron driveway gate on the east side. There was a 10 foot wide equestrian and pedestrian easement along the northern property boundary and a 10 foot wide public utility easement on the east side. Staff met with adjacent neighbor, Alice Sakamoto, to review her concerns about the proposed fence. These concerns were over the "closed in" feeling the new fence would give her property, the appearance of the fence and the impact on wildlife movement in the area. In response to Mrs. Sakamoto's request to relocate the fence along the southern property line, the applicant moved the proposed fence location to open up the driveway area. On December 12, 2006 staff met with Michael and Sharen Schoendorf of

Byrd Lane to discuss the plans for the fence along the shared property line on the northern side. Mr. Schoendorf expressed concerns about blocking the wildlife corridor that deer and other animals use to travel between properties. The proposed fence would also obstruct the easement. A condition of approval for the fence application included a 10 foot wide opening in the fence that could not be obstructed. On March 8, 2005 the City Council approved the removal of a future pathway on the subject property from the 2005 Master Pathways Plan. The Pathways Committee deemed the pathway redundant and the City Council voted to remove any future pathway. Although no future pathway was to be built on the property, the 10 foot pathway easement remains.

Commissioner Clow stated that he had spoken to the applicant about an alternative to removing the hedge. The fence could be located 12 to 18 inches onto his property in order to leave the hedge in place.

Planning Director, Debbie Pedro said that was acceptable but recommended the applicant obtain a revocable encroachment permit from the Town to ensure that the structure could be removed in the future.

Commissioner Cottrell understood that the shrubbery was on Mr. Papp's property and he could remove the hedge.

Commissioner Clow said the hedge was on Mr. Papp's property but if he wanted to move the fence between 12 and 18 inches, the landscape screening provided by the hedge could be preserved.

Commissioner Cottrell wondered if the applicant would request abandonment of the pathways easement in the future and asked about the implication of the public utility easement located nearby.

Debbie Pedro stated that at this time there was no policy on vacation of pathway easements. The Open Space Committee had submitted a statement requesting that the pathway easements be maintained for open space purposes. Upon examination of the area's tract maps it was determined that purpose of the 10 foot easement is for pedestrian and equestrian use. A 5 foot public utility easement is on Mr. Schoendorf's property. In the past, fences have been allowed to be located within public utility easements depending on the type of utility located there.

Commissioner Harpootlian asked staff to address the possible wildlife corridors in the area.

Debbie Pedro replied that wildlife generally travel along creek corridors. The Town's Land Use Map shows open space conservation areas that covered the creeks. The subject property does not fall within an open space conservation area.

Commissioner Cottrell told of a large gulch that ran along Byrd Lane and served the wildlife of the area.

Calvin Gunn, attorney for the applicant stated that Mr. Papp had purchased the property in 1982, designed and built the home. Mr. Schoendorf planted over 200 shrubs on the Papp property without permission and now Mr. Papp would like to build a fence on his property. He felt the fence should not be located far onto the Papp property just because the shrubs are in the way. The placement of the fence in the front of the property had been adjusted to accommodate a neighbor's concerns over driveway area.

Commissioner Harpootlian asked why Mr. Papp would leave a 10 foot opening in the fence.

Calvin Gunn replied that Mr. Papp's understanding was that the opening was required because of the easement.

Commissioner Clow stated that he had talked to the applicant earlier in the day. Mr. Papp sounded willing to move the fence 12 to 18 inches to allow the shrubs to remain to keep the landscape screening.

Mr. Papp explained that such an agreement would depend on the nature of the permit that would be needed from the Town to build in the easement. He did not want to go to the expense of building a fence that would need to be removed if the Town changed the intended use of the easement. He felt there was substantial risk putting the fence in the easement. If the fence is put on the property line that issue would be resolved and the shrubs could be replanted.

#### OPENED PUBLIC HEARING

Sharen Schoendorf, Byrd Lane, presented photographs of the utility pole, her driveway and local wildlife. She opposed the fence because it would restrict the ability for wildlife to traverse the two properties. Deer, foxes, quail, rabbits and other animals use the easement. She explained that the bushes were planted about 15 to 20 years ago to stop needles and chaff from blowing into their pool when it stormed. The property behind the Schoendorf and Papp properties had recently been fenced after many years of being open and she regretted not protesting that new fence. She felt that if Mr. Papp places the fence on the outside of the easement while keeping a small opening, in accordance to Town ordinance, deer and other animals will be trapped in his yard. When the pathway easement for future paths was removed from the Pathways Map, she was against the action but accepted it because it was stated by at least one City Council member that it would continue to function as a wildlife corridor.

Commissioner Harpootlian discussed the movement of wildlife in the neighborhood with Sharen Schoendorf.

Michael Schoendorf, Byrd Lane, asked the Planning Commission to deny the application for a fence permit on the Town's easement that abuts his property. The easement had been in existence since the creation of the subdivision. Mr. Papp bought his property subject to the conditions of the easement. To place a fence where Mr. Papp had requested would eliminate 203 Japanese boxwoods Mr. Schoendorf had planted over 15 years ago and had maintained. Mr. Papp had not objected to the plants during that time. A 10 foot opening put in the proposed fence on the southeastern portion of the easement would allow wildlife to enter Mr. Papp's

property but the rest of the fence would make it difficult for wildlife to exit. Deer enter the Papp property and exit at the Japanese boxwoods. He believed no portion of an easement could be fenced off to restrict access to the easement. A 10 foot opening for a 250 foot easement is not reasonable access to an easement and no precedent should be set by granting this proposal. He suggested that Mr. Papp could secure his property by placing the fence back 10 feet to his side of the Town's easement and completely seal off his property. Mr. Schoendorf was concerned that the enjoyment of his property would be adversely affected by the installation of the Papp fence.

Alice Sakamoto, Simon Lane, relayed that she had known the Papp family for many years and appreciated them as neighbors. Their property is beautiful and a wonderful animal habitat. If the Papp application is approved, the last open part of her property would be fenced and her lot completely enclosed. She had concerns about a fence ordinance that allowed a full perimeter, up to the property line, of impermeable fencing installation that immediately takes away the adjacent property owners' right not to fence their lot. She does not think it is equitable for people who do not want to fence their property to get less consideration. She is asking for a setback along the driveway in front of her property. Bushes would be planted at her expense along the driveway boundary line to create a more attractive entry to the home, allow wildlife to continue to pass through her property, retain the open feeling of the cul-de-sac, create less fencing and leave an easier exit for her horse in the event of a fire. This would also keep her property from being completely enclosed and significantly mitigate the impact of the fence.

Planning Commission discussed with Alice Sakamoto the routes that wildlife took through the area.

Safra Catz, Byrd Lane, said her main concern with the Papp application is that a precedent may be set regarding easements in general. The neighboring property, Lands of Licardo, was developed under similar easement conditions. The original development was conditioned on the easement being dedicated to the Town. The Papp request all but takes away the easement and changes the original agreement with the Town. Clearly, the easement had value for the Town and was part of the negotiated agreement. Although the project request does not close off the easement completely, it fences and changes it so dramatically that it is nothing like the original agreement. The pathway easement had been removed and it may be petitioned that the existing easement be removed completely on the grounds it is impassable. The Town has made many agreements for easements and the rural and open nature of the Town is the result. She believed that approving this project could result in many other property owners employing the same strategy and ultimately damaging the Town.

Dot Schriener, Saddle Mountain Drive, commented that it was unfortunate that the public hearing on the General Plan, Open Space and Conservation Element was not heard prior to this hearing. The second hearing on the agenda had relevance to this issue. The overall impact must be considered for the neighbors and wildlife. Ms. Schriener suggested that perimeter fencing of whole areas causes a great deal of damage to others. She felt there would be many more permits requested just like this one and approval of the fence would set a precedent.

Roger Spreen, Rhus Ridge Road, Chairman of the Open Space Committee, stated this was a complicated issue and the Open Space Committee had discussed these particular easements in

the past couple of years. The Open Space Committee had expressed support for retaining the easements, not just from a pathway perspective, but also in terms for the future as wildlife patterns are studied. Easements are highly valued and none should be lost.

Dubose Montgomery, Altamont Road, did not know the parties involved with this application but believed that fences make good neighbors. He thought the statement about fences blocking wildlife was incorrect. Fences can be flown over, dug under and jumped by wildlife. He was in support of the Papp fence application.

Nancy Couperus, Page Mill Road, responded to the prior comment made about fences making good neighbors and stated the quote was from a Robert Frost poem. The poem continued on to say just the exact opposite; fences do not make good neighbors. She continued that it is not just animal habitat that is becoming fragmented but human habitat also. Indiscriminate fencing is jeopardizing the areas that have traditionally been open space areas for the free flow of wildlife. Fencing has a proper place on properties for keeping children and animals protected and for safety around pools. Fencing an entire property with a 6 foot high fence is rarely an appropriate thing to do, especially in a wildlife corridor area such as with this project.

Courtenay Corrigan, Robleda Road, did not know the persons involved with the application but wanted to speak up on behalf of property owner's rights. She hoped that it would be the ultimate decision of the homeowner to use their land as they see fit and wanted that right protected for people who choose to live in Los Altos Hills.

Sandy Humphries, Environmental Design and Protection Committee, said that it is known that there is wildlife corridor flow in the neighborhood and more fencing will force the animals to use the roadways for travel. The planning department and residents need to start considering this as a safety issue. She said that the grazing of the animals actually helps keep grasses down and reduce the fire ladder up to the trees in case of wildfire. If property owners only fenced part of their land, wildlife could flow freely over it. If it was known where wildlife corridors exist, potential land buyers could decide before purchasing if they wanted to live in those areas or not.

David Hughes, La Loma Drive, did not know the people involved in the project. From the point of view of homeowner's rights it does seem unfair that the last person in the neighborhood wanting to build a fence may be disallowed when many other fences were allowed. He is concerned that if you live in what is considered a wildlife corridor you would have to abide by a different set of rules for fences than people who already have fences.

Jim Abraham, Viscaino Road, agreed with the last speaker and suggested that if Mr. Schoendorf would like an easement along the property perhaps it could be placed on the Schoendorf side. He felt the animals wouldn't mind if the easement was moved 10 feet to the north.

Calvin Gunn, attorney for the applicant said that Los Altos Hills was a town of laws and ordinances. He had heard that confirmation from several speakers tonight and felt the Planning Commission understood the application thoroughly.

Commissioner Carey asked if Mr. Papp had considered the placement of the front entry fence in the location that Mrs. Sakamoto had suggested.

Mr. Papp replied that he had only heard the suggestion immediately before the meeting and had not had much opportunity to consider it. Deer at the entrance to the home eat the shrubbery and part of the reason for the proposed placement of the fence and gate was to prevent landscape damage from deer. He would like to keep the proposed gate location to provide a landscaped entry to the home and not abandon the front of his property.

#### CLOSED PUBLIC HEARING

Commissioner Cottrell felt the issue basically concerned the property rights of the owner. The applicant had met all the requirements of the codes and the Planning Commission cannot operate beyond the codes. There is no requirement in Town for animal corridors to be donated by property owners and Mr. Papp was within his rights to build a fence. Cottrell supported approval of the application.

Commissioner Carey felt that this was a tough issue. He was sympathetic to many of the comments made about the wildlife corridors but he was not sure on what basis the application should be denied. He felt many of the concerns were legitimate and asked for ideas from the Commissioners on how to address them within the scope of the ordinances. He felt he had to support the project as presented. He would support the fence moved back a couple of feet into the easement to maintain the shrubs.

Commissioner Clow felt it would be better for Mr. Papp and Mr. Schoendorf to leave the boxwoods in place. He did not see the need to include a condition of approval to have Mr. Papp remove the fence in the future, remove the boxwoods and rebuild the fence if the Town decided to install a pathway. He thought the original compromise with Mrs. Sakamoto about the "triangle" was generous and he supported the application.

Commissioner Harpootlian had concerns regarding the wildlife corridor. He felt the location of the hole in the Sterling fence to accommodate wildlife movement was poorly selected. When the new fence is added, the usefulness of that space would be eliminated. He would choose to have the western 10 feet of the fence replaced with an open space easement fence that would be slightly lower with a space at the bottom. He felt it would make a huge difference in the movement of the wildlife in the area.

Chairman Collins did not support the application. She suggested the application had significant relevancy in how the Town was viewed as a rural landscape. She felt that wildlife flowed through the area. She would support the project if a wildlife friendly fence was installed. She expressed the need to monitor the easement as it should not be given up by the Town and be retained regardless of the decision on the project.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Clow and seconded by Commissioner Carey to approve the requested fence permit subject to the recommended conditions in attachment 1 with the change that along the boxwood hedge, the fence come back

18 inches with no requirement that the applicant move the fence in the future (no requirement for a revocable encroachment permit).

Commissioner Harpootlian asked if it was certain that no existing underground easement was affected. He wondered if there was undergrounding already installed along the pathway.

Mr. Papp, applicant stated that nothing was underground and the utilities were on poles on the other side of the pathway on the Schoendorf property.

Commissioner Cottrell hoped that there would be no future argument about the location of the property line. The bushes are on Mr. Papp's property and he could cut them down.

Commissioner Clow agreed and stated that Mr. Papp could put the fence 18 inches out from the property line and then cut down the bushes.

Commissioner Cottrell expressed that the Planning Commission was not mandating a different property line than really exists.

AYES: Commissioners Carey, Clow and Cottrell  
NOES: Commissioner Harpootlian and Chairman Collins

This decision will be heard at a future City Council meeting.

- 3.2 AMENDMENTS TO THE LOS ALTOS HILLS GENERAL PLAN including an updated Introduction, Conservation Element, and Open Space and Recreation Element. The updated sections have been developed by the General Plan Update Committee as part of the Town's 2007 General Plan Update project. Background information, goals, policies and implementation programs have been added or revised to address existing conditions and issues. (Staff-Debbie Pedro; Consultant-Leslie Hopper)

Chairman Collins introduced City Councilmember and Chairperson of the General Plan Ad Hoc Update Committee, Mike O'Malley to discuss the process of the General Plan Update.

Councilmember O'Malley introduced the General Plan Update and explained how the committee had approached the project. The first task was to correct the existing document and bring it up to date from a historical standpoint, to ensure the formats were consistent, to eliminate errors and make it consistent throughout all the Elements. In the second phase, the affected committees in Town were asked to comment on the draft and make recommendations on their specific areas. A Planning consultant, Leslie Hopper was hired to help with the update and other towns were consulted about their General Plans.

Councilmember O'Malley explained that Phase I of the General Plan Update, including the Introduction, the Conservation Element, and the Open Space and Recreation Element, was before the Planning Commission for review. The proposed changes would be presented in 2 stages. The first stage will be those changes that make the document historically accurate,

legible, readable and consistent but do not reflect any changes in the underlying substance or framework. The second stage will include new policies and programs not included in the existing General Plan.

The next step in the adoption process would involve the General Plan Update going to the City Council with the recommendations of the Planning Commission. O'Malley offered that the residents who don't agree or wish to change things should attend the Council sessions and make their comments or concerns in writing. The Ad Hoc General Plan Update Committee will return to the Planning Commission in the future with Phase Two of the General Plan Update, including the Land Use Element, the Noise Element, and the Safety Element.

Chairman Collins asked for the names of the volunteers on the Ad Hoc General Plan Update Committee and thanked them for the many hours they had contributed.

Councilmember O'Malley named the committee members as Dot Schreiner, Carol Gottlieb, Janet Vitu, Elaine Dauber, Carl Cottrell and himself. He commented on the vast combined knowledge of Town history in the group.

Commissioner Harpootlian thanked the committee for the document and congratulated them for the great effort put forth to update the Town's General Plan.

Consultant Leslie Hopper explained that the General Plan is very important as the blueprint for the future of the community and long-range guide for future development. A General Plan generally covers about 20 years and the committee hoped the document would be revised more often than the 1975 plan. It is basically a policy document containing goals, policies and programs. The General Plan establishes the values of the community as expressed in the goals, states policies that are commitments of the Town to move in certain directions, and establishes specific programs or actions to achieve the policies and goals. The State of California requires every city to have a General Plan and mandates 7 Elements to be included. Optional Elements also are allowed. The Conservation Element and the Open Space and Recreation Element will be considered tonight.

A few new policies and programs are included in the proposed amendments. The new policies and programs fall into 2 categories. The first category includes those that have already been approved and implemented by the City Council but were not part of the original 1975 document. They address the topics of energy conservation, water resources, waste reduction and recycling, and recreation areas and facilities. The second category includes new programs and policies introduced by committees that participated in the update process. These address topics such as creeks and riparian corridors, invasive plants, and wildlife corridors. Final corrections to the draft will be made tonight regarding inaccuracies and typographical errors. The suggested procedure to discuss the General Plan Update is to examine it in 2 stages: first consider the editing and formatting changes, which are basically a clean-up of the old document and, second, consider the new policies and programs (everything highlighted in yellow in the draft document).



Chairman Collins explained that public hearing times would be given for both categories, beginning with the bulk of the document that covers material relating to editing changes of the old document.

#### OPENED PUBLIC HEARING

Comments from the audience floor concerned the changes in words during the editing of the 1975 document.

Consultant Leslie Hopper replied that much work had been done as part of the process and the language had been revised but the committee tried to stay true to the substance of the existing document.

Alan Epstein, Ravensbury Avenue, had a general concern that the intent of the document was changed with revisions of words such as “should” to “shall”. He felt the new plan looked nothing like the old plan.

Ernest Solomon, Elena Road, stated he had the pleasure of working with the committee on issues regarding water conservation and said the Purissima Hills Water District appreciated the fact that concern about water as a constrained resource is brought out in the document as important.

Jitze Couperus, Page Mill Road, suggested that both editorial-type comments and substantive changes apply to the whole document. He stated confusion over the process used.

Dubose Montgomery, Altamont Road, appreciated the work of the committee and commented that the noticing of the public hearing could have been more explicit about the topics to be discussed. He felt there was not enough time to study the documents and the process seemed rushed.

Commissioner Carey asked how the process might be made more effective for him.

Dubose Montgomery suggested a longer notice and a summary of issues in a letter rather than just a postcard.

Commissioner Harpootlian appreciated Mr. Montgomery’s comments and asked if he thought the information in the December issue of the Town Newsletter should have been expanded upon.

Dubose Montgomery said he could not remember seeing the December Town Newsletter.

Councilmember O’Malley explained that the existing General Plan document was about 600 pages long and had been talked about at City Council meetings for the last year and a half. The process needed to be started and this meeting was the time for resident input. If the time was not sufficient, he suggested residents attend the Council meeting as the next step in the process. Under discussion now is the General Plan, not codes or ordinances, and public notification will be given for any further attempt to codify any of these things.

Dot Schreiner, Saddle Mountain Drive, stated that some of the material the Ad Hoc General Plan Update Committee had worked with was not included in the packets but is vital to their work. The State's 284-page General Plan Guidelines had been utilized as one of the main documents in revising the Town's General Plan. It is a valuable resource for complying with state requirements and guidelines. The Town's community survey of 2001 was also used to supply resident input.

Commissioner Harpootlian confirmed with Ms. Schriener that the large document from the state outlined very specific requirements for developing a General Plan.

Commissioner Carey stated that respect was due for the work done by the Ad Hoc General Plan Update Committee and progress should be made on parts that are not controversial.

Jim Abraham, Viscaino Road, suggested that instead of taking 3 Elements at a time it would be better to take one Element at a time. He felt the project was large and some items would be contentious.

A resident asked for clarification and commented on the document on the internet having an introduction and 19 pages as opposed to the one mentioned having 500 pages.

Consultant Leslie Hopper explained that the document mentioned from the state was a large document of almost 300 pages. There were 4 different documents that were posted on the web, provided to anyone who asked for them and available in hard copy at the meeting. The documents included the Introduction, the Conservation Element, the Open Space and Recreation Element, and Appendix A.

#### CLOSED PUBLIC HEARING

Discussion ensued among the Commissioners on the process being followed and whether the public had more comments.

Chairman Collins reopened the public hearing.

#### OPENED PUBLIC HEARING

Ernest Solomon, Elena Road, had changes to the Water Conservation Element under paragraph 320, page 8 the wording in line 3 "is by 30 to 40 percent" should read "is by 25 to 35 percent". Also under paragraph 322 the wording "over 50 percent" should read "over two-thirds of all water used each year in Purissima Hills Water District is for irrigation of landscaping." Also, in the following sentence "during the summer dry season (June through September) landscaping water on average is 5 times that of the rainy season."

Leslie Hopper confirmed that Mr. Solomon wanted the word "landscaping" added and to delete the phrase "use for new homes".

Shari Emling, Murietta Lane, stated she was in agreement with the wording on the bottom of page 9 in the Open Space and Recreation Element and mentioned the mountain lions in the area.

Dubose Montgomery, Altamont Road, referenced the Open Space and Recreation Element on page 10, Program 1.2 and said he would like the 30 percent to be changed to 50 percent slope.

Debbie Pedro, Planning Director, suggested that new ideas regarding new policies should be put in writing and provided to staff, who will forward them as part of a whole package to the City Council as a public comment item. The Planning Commission can also discuss and incorporate the idea into the edit.

Chairman Collins felt that changing the 30 percent to 50 percent slope was a substantive change rather than editing, and would warrant more time than available. She suggested that the resident submit a written comment to be forwarded to City Council.

Commissioner Carey asked Mr. Montgomery for the reason he wanted the change.

Dubose Montgomery, Altamont Road, stated that he felt the 30 percent slope is not a 30 percent angle. For a town with the name of Los Altos Hills with many hilly lots having a 30 percent slope, current policy is too restrictive and changing it to 50 percent would be more appropriate for a lot of the Town's residents.

Commissioner Clow said there was a legitimate controversy over whether the original General Plan meant 30 percent or 50 percent slope.

Chairman Collins reiterated that she recommended the issue go forward in writing to the City Council for discussion.

Jim Abraham, Viscaino Road, expanded on the comment by Mr. Montgomery to say that a 30 percent slope is about 16 ½ degrees and he felt that was not very much slope.

Debbie Pedro, Planning Director, commented that the Land Use Element refers to 50 percent slope as areas that should not be developed. It is also mentioned that 30 percent slope could be designated as an Open Space Conservation Area.

Discussion ensued among the Commissioners on the process for discussing and changing the wording in the General Plan Elements.

Debbie Pedro explained that each Element could be amended up to four times a year so if there was an inconsistency between Elements, such as the percent of slope, it would be possible to make the changes needed for consistency.

Dot Schreiner, Saddle Mountain Drive, told the Planning Commission that specific studies on seismic activity and slope would be forthcoming with the seismic and safety information.

CLOSED PUBLIC HEARING

Commissioner Harpootlian asked to go to item 12, Introduction page 3, it should read “some 14,000”. He asked if the schools should be addressed in these Elements.

Leslie Hopper explained that schools would be covered in the Land Use Element.

Commissioner Harpootlian continued to item 333 and stated that the Packard Foundation is in Los Altos. In item 338 regarding the establishment of historic sites, he asked if the Mills Act should be included.

Leslie Hopper explained that throughout the document “text boxes” of information had been placed explaining pertinent laws or regulations of which the residents might want to be aware. A summary of the Mills Act could certainly be added to the document.

Commissioner Harpootlian asked if items 419 and 424 for continuity should be called the Town ring instead of arena.

Dot Schriener, Saddle Mountain Drive, replied that the change had been made from ring to arena.

Leslie Hopper explained that a grant had been applied for using the title Town Arena and the word arena had been used for consistency.

Commissioner Harpootlian moved on to item 419 and suggested adding a statement of support for the 4-H riding program for the handicapped. He offered, “Westwind 4-H riding for the handicapped is supported by the Town to provide for the needs of the greater community”. On page 17 of the Open Space and Recreation Element, the paragraph under the picture should be removed and replaced with “Westwind Barn”.

Chairman Collins asked that on page 5 under assumptions, item 2, the introduction, change “utilization of resources” to “utilization of energy and water”. On page 6, Community Goals, item 1 under 21, change “space consuming activities” to “activities”. In the Conservation Element page 1 under introduction, 300, review the accuracy of quintessential vs. quintessentially.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Clow and seconded by Commissioner Carey and passed unanimously to recommend forwarding the item to City Council with changes discussed and presented in the staff report.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: None

Leslie Hopper noted another correction for the list of historic sites. The Fire Department is no longer housed in the Griffin House so the reference should be deleted.

This decision will be forwarded to the City Council for a future meeting.

Leslie Hopper continued with the second part of the discussion on the General Plan Update. In category 1 there were new programs under Water Resources. Program 5.3 states “the Town will work with Purissima Hills Water District to inform homeowners of their potential water usage in new landscape projects and recognize the benefit of water efficient landscapes without undue burden to the homeowners”. Program 5.4 states “consider incentives for property owners meeting certain water conservation criteria”. Both statements are word for word from the City Council resolutions recently adopted.

Commissioner Carey wanted the wording in Program 5.3 to say, “work with water districts” since the Town is also serviced by California Water Service.

Leslie Hopper summarized the new items. The changes regarding Energy Conservation reflected the actions the City Council had taken over the past year regarding solar installation incentives and were consistent with the programs, especially 8.3 and 8.4. The general statements in Waste Reduction and Recycling reflect commitments that the City Council had made and already were being implemented. Changes under Recreation Areas and Facilities in the Open Space and Recreation Element concern the acquisition and development of new parks and recreation areas. Program 3.1 was pointed out because of it refers to a “comprehensive recreation plan”. This was a mistake and was intended to reference the strategic action plan, which was adopted in 2004. The more appropriate program would be to “continue to implement and update the strategic action plan.”

Category 2 included policies and programs introduced by the committees that participated in the update process. Regarding Creeks and Riparian Corridors, Program 1.4 is to develop a comprehensive riparian policy that compiles and clarifies all relevant requirements for affected property owners. Program 1.5 is to develop a program to manage and control invasive species within critical riparian corridors. Under Wildlife Species and Habitat, the main proposal is to identify wildlife corridors and restrict fencing in the corridors so the movement of wildlife is not obstructed. Another program requires biology reports for certain site development applications.

It was pointed out that a handout summarizing the new policies and programs was available to the audience.

## OPENED PUBLIC HEARING

Roger Spreen, Open Space Committee, said that the Town had changed physically and what people understand about responsible stewardship, what preservation means and how to support a rural environment had also gone through change. The Open Space Committee had tried in updating the details to validate the planning process and back up what the planning department is already doing. The planners take into account wildlife and stream riparian issues when a project is submitted but do not have the full, coherent support of the General Plan. The Open Space Committee’s goal was to give the planning department a coherent set of rules and framework by which to work. They also wanted to document the relevant issues that they hoped the council would address over the next 10 years. He felt the Conservation Element would contain the ideas that might be considered controversial. He reiterated that the State guidelines for General Plans

had been followed, which direct that an inventory of animals and habitats be included. These guidelines require that assessment be done on the potential effect of development on the continuity of plants and wildlife habitat and how development will fragment habitat. He stated that the Open Space Committee is concerned with the protection of the riparian areas for wildlife, esthetics and recreation reasons and felt a separate area in the General Plan was needed. The committee would like the General Plan to line up with what the ordinances already state and tie together fencing, preservation, conservation and habitat Elements.

Commissioner Carey asked about the status of a wildlife corridor map and the definition of a wildlife corridor.

Roger Spreen replied that the map was in its final stages of completion. Wildlife corridors are significant areas of migration or movement of wildlife to key food sources, water sources and territories they tend to roam. He continued to say that in the same way that the pathways map was drawn up, people would have ample opportunity to provide input. The vision was for the wildlife corridor map to join the set of planning tools available to the planners, such as the open space conservation area map or pathways map, to protect areas during development, negotiated and understood.

Commissioner Clow asked Mr. Spreen his opinion on what wildlife was relevant to fencing policies.

Mr. Spreen replied that there was not a significant list and wildlife populations are different in different areas of Town.

Commissioner Harpootlian asked if it was possible to have a Planning Commissioner involved with the map process. He referenced the language in the General Plan about the confusing requirements and restrictions from various agencies facing homeowners with property that intersects a creek or riparian corridor. Was the Open Space Committee proposing to create a replacement document?

Roger Spreen answered that progress in creek development or flood protection had been very difficult and unsuccessful because of the different agencies involved. The Committee would like to see the Town have a say in any projects not just residents up against the agencies. He has no illusions about solving the problem of having so many groups involved in the issue.

Paul Heiple, Chairman of the Portola Valley Conservation Committee and California Native Plant Society representative for the San Mateo County Weed Management Area, commended the Open Space Committee for including invasive plants in the General Plan. He felt that in addition to encouragement of getting rid of invasive species, education about them is also important. He spoke on issues related to invasive plants and the problems connected with the plants spreading to other locations.

#### OPENED PUBLIC HEARING

Chairman Collins focused this time on the Water Resource programs.

Jitze Couperus, Page Mill Road, commented on the problem of water retention in the Town. The construction of hard surfaces had removed the “buffering” effect of the soil. He did not see the flooding issue addressed in the General Plan, felt it was important and wished it were included.

Commissioner Cottrell commented that frequently in new construction projects the requirement is for no new run-off to be created from a property.

Commissioner Harpootlian stated that the requirement does not appear to be in the General Plan.

Ernest Solomon, Elena Road, suggested the wording in the first sentence of program item 5.3 to state the other water provider is California Water Service. He also had concerns about the phrase at the end of the sentence and suggested to delete “without undue burden to the homeowners”.

Upon discussion the Planning Commission kept the wording intact to be forwarded to the City Council for a decision.

Alan Epstein, Ravensbury Avenue, made a general comment in regards to specific organizations being named in the General Plan since it is a long-term document. The water providers may change over time and it would be better just to add a classification not a specific organization.

A resident commented on 5.4 to consider incentives to property owners to meet certain water amounts and the statement regarding undue burdens to the homeowners were good clauses to include. He suggested the wording significant instead of undue.

Planning Commission agreed with the change of “undue” to “significant”.

Sandy Humphries, Environmental Design Committee, recounted being approached about wildlife corridors by a group of homeowners living along a creek where a pathway and easement had been eliminated. The homeowners were fearful that a new resident may move in or on their street and would fence over where the easement used to be. The homeowners love the wildlife and want a wildlife corridor established as soon as possible.

#### CLOSED PUBLIC HEARING

**MOTION SECONDED AND PASSED:** Motion by Commissioner Carey and seconded by Commissioner Harpootlian and passed unanimously to recommend to the City Council to approve the Water Resources section of the Conservation Element of the General Plan changing the words Purissima Hills Water District to water purveyor, change the word undue to significant and add general instruction to add language to cross reference between Elements on the issue of water retention.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: None

#### OPENED PUBLIC HEARING

Chairman Collins focused this time on Energy Conservation.

#### CLOSED PUBLIC HEARING

Commissioner Carey asked that program 8.4 be stricken from the General Plan because it has a time limit as an ordinance with a sunset clause.

Commissioner Cottrell suggested changing the wording to “consider continuing incentives to homeowners who install efficient energy systems”.

The Commission agreed.

Commissioner Carey asked if 8.1 regarding Title 24 needed to be included since it is the law.

Debbie Pedro, Planning Director stated it was reaffirming what is currently being implemented and 8.1, 8.3 and 8.4 are all references to ordinances and can be put under the umbrella of what Commissioner Cottrell suggested to develop and offer incentives for energy conservation.

Commissioner Carey felt the general language type was appropriate for General Plan because it also gave guidance for the development of new ordinances not just repeating current ordinances.

Leslie Hopper suggested the proposed language for consideration “continue to develop and offer incentives for energy conservation”.

Commissioners agreed to replace 8.3, 8.4 and 8.5 with that new language.

Alan Epstein, Ravensbury Avenue, had interpreted 8.1 as a limitation on the Council to conform to the State requirements. He would like to see 8.1 stay in the document because of the recent Council effort to do more than the State required. With regard to the energy conservation policy he felt a proactive program to educate people on how to reduce energy utilization was needed.

Debbie Pedro, Planning Director, reported that a section in the Conservation Element, page 19, program 11.3, covered public education.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Carey and seconded by Commissioner Clow and passed unanimously in regard to Energy Conservation to recommend to the City Council to approve this section with the deletion of program 8.1 and the change to 8.3, 8.4 and 8.5 as stated.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: None

#### OPENED PUBLIC HEARING

Chairman Collins focused this time on Waste Reduction and Recycling.



#### CLOSED PUBLIC HEARING

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Clow and passed unanimously to recommend to the City Council to approve the section on Waste Reduction and Recycling.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: None

#### OPENED PUBLIC HEARING

Chairman Collins focused this time on Recreation Areas and Facilities.

#### CLOSED PUBLIC HEARING

MOTION SECONDED AND PASSED: Motion by Commissioner Carey and seconded by Commissioner Clow and passed unanimously to recommend to the City Council to approve the section on Recreation Areas and Facilities with the changes in 3.1 for elimination of the language “the Town would develop a comprehensive recreation plan” and replacement with “continue to implement and update the strategic action plan”.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: None

#### OPENED PUBLIC HEARING

Chairman Collins focused this time on Creeks and Riparian Corridors.

Sue Welch, Open Space Committee and member of the Santa Clara County Weed Management Area, which is a group of individual landowners and representatives from public agencies. Their mission is to prevent and control invasive weeds in Santa Clara County. She felt issues associated with invasive species of weeds are huge problems that need to be addressed right away. The Town should make an effort to include this issue in the General Plan. The wording in 5.1 for Creeks and Riparian Corridors is a necessary start but not sufficient because of a bigger problem with the invasive species than just in the riparian corridors. She suggested that the program be moved to the Element for Trees and Plants, which deals with the protection of trees and plants in Town. The language should be broadened so not to focus only on the riparian areas but to develop a plan or program to manage and control invasive species in the Town. The plan could include education of staff and residents, encouragement to residents to remove invasive weeds, and a commitment to actively remove invasive weeds on public land.

Commissioner Cottrell liked the idea to move 1.5 to under 2.5.

The Commissioners agreed with the change.

A resident confirmed the problem of invasive species and the spread of these plants. He suggested changing the language in program 1.4 to be similar to the other language in the document of “consider” developing a comprehensive riparian policy. He was not sure what was meant by comprehensive policy and why the riparian area was being singled out.

Sandy Humphries, Environmental Design Committee thought 1.4 was a very vital part and “consider” was not the right word. She felt that a comprehensive riparian policy was necessary for creeks because the habitat along the creeks need to be rebuilt. If the habitat can be rebuilt with native plant species it can help with the prevention of problems such as West Nile Virus. It is vital to work with the plant species in the riparian areas that feed animals native to the habitat.

Chairman Collins felt that Sandy Humphries wanted “develop” to be used instead of “consider”.

A resident asked if a list of all relevant requirements was to be compiled from other municipality requirements for all affected property owners, meaning those adjacent to riparian areas. Is this just an instruction to compile such a list?

Roger Spreen, Open Space Committee replied that it was meant to make sure that the policy is communicated and be a benefit to the residents.

Commissioner Harpootlian asked if this referred to 308 and the intent was to make this easier for the applicant and not more difficult.

#### CLOSED PUBLIC HEARING

MOTION SECONDED AND PASSED: Motion by Commissioner Carey and seconded by Commissioner Cottrell and passed unanimously in regard to Creeks and Riparian Corridors to recommend to the City Council to approve the language as written under program 1.4 and program 1.5 be moved to Trees and Plants under the Conservation Element.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian

NOES: None

#### OPENED PUBLIC HEARING

Chairman Collins focused this time on Trees and Plants.

A resident stated that poison oak might be included in the list of plants in the removal and prevention language.

Commissioner Clow has heard people speak against removing poison oak, as it is a native species, but it is also dangerous to people’s health and a public safety issue.

Jitze Couperus, Page Mill Road, said that poison oak is protected by various agencies along riparian habitats.

Sue Welch, Open Space Committee, stated that poison oak is a native plant and not an aggressive exotic. She felt it would be a mistake to mix it in the statement regarding invasive plants because it behaves very differently. Aggressive exotics have a pattern of moving into an area and completely wiping out other plants. She felt poison oak could be addressed under another section but shouldn't be included in a section protecting native trees and plants. Added to the list should be Italian thistle and stinkweed.

Chairman Collins agreed that poison oak should not be included in policy 2.5.

Commissioner Carey suggested creating policy 2.6 and with Commissioner Clow suggested language to state "encourage removal of poison oak where permitted by law".

#### CLOSED PUBLIC HEARING

**MOTION SECONDED, AMMENDED AND FAILED:** Motion by Commissioner Carey and seconded by Commissioner Harpootlian to recommend to City Council in regard to Trees and Plants to approve policy 2.5 with the addition of Italian thistle and stinkweed and add a new policy 2.6 to encourage removal of poison oak where allowed by law.

**MOTION SECONDED, AMMENDED AND PASSED:** Motion by Commissioner Carey and seconded by Commissioner Clow and passed unanimously to recommend to City Council in regard to Trees and Plants to approve policy 2.5 with the addition of Italian thistle and stinkweed.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: None

**MOTION SECONDED AND PASSED BY THE FOLLOWING ROLL CALL VOTE:** Motion by Commissioner Carey and seconded by Commissioner Clow to recommend to City Council in regard to Trees and Plants to add policy 2.6 to encourage the removal of poison oak where legally allowed.

AYES: Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: Chairman Collins

#### OPENED PUBLIC HEARING

Chairman Collins focused this time on Wildlife Species and Habitat.

Alan Epstein, Ravensbury Avenue, noted that only about 25 people were in the audience and felt the issue was about property rights for landowners. He felt more input was needed before a decision could be made. He felt wildlife was doing just fine. The deer eat his roses and the rabbits eat his vegetables and seem to find their way around fences. He thought the issue was about taking away the rights of homeowners to put up fences to protect their property and provide safety and the issue should be advertised as such. He felt more people would attend meetings if they realized the actual issue involved.

Resident, felt the proposal to identify wildlife corridors and prohibit fencing is vague. Wildlife is defined in the dictionary as wild animals and vegetation especially animals living in a natural, undomesticated state. That definition would include rats, gophers, mice, squirrels and birds of any kind. Fences actually don't affect a lot of wildlife and much more wildlife is unaffected by fences than wildlife that is affected by fences. He sees no hard evidence based on biological study that increased fencing by property owners is blocking the movement of wildlife or forcing it into detrimental movement patterns. He doesn't think that any of the policies or programs specified under section 3.1 and 3.2 is something that should be included in the document.

Roger Spreen, Open Space Committee, claimed there was plenty of evidence to show that fencing has had a huge affect on patterns of wildlife, habitats of wildlife and ecological systems. That is what the State of California in the General Plan guidelines talks about in understanding fragmentation pattern development. The fencing ordinance already prevents fencing off of wildlife corridors. This is not just a fencing change under the guise of a wildlife issue. Fencing has many other Elements that are not just open space or wildlife issues that involve the character of the Town, the rural environment and the community.

Sandy Humphries, Environmental Design Committee, stated allowing wildlife to flow freely over the land was written up in the original General Plan. This is not different except to give residents and the planning department information on where the normal pathways for wildlife are located. The paths are usually along creeks and conservation areas. It is important to allow the free flow of wildlife to prevent wildlife jumping into yards. In the last four years excessive fencing has been installed because of a change of the setback rule and backups and turnarounds are allowed in the setbacks.

Mary Davey, La Cresta Drive and representative to the Mid-Peninsula Regional Open Space District, stated that this is a progressive and important suggestion for the General Plan. She encouraged the audience to go along with the suggestions heard and take them as part of the General Plan as an important concern for the environment.

Jitze Couperus, Page Mill Road, said the wildlife corridors are not currently identified. It is needed to know where the wildlife exists and the areas where it can thrive without interaction with people.

David Hughes, La Loma Drive, suggested a survey be mailed to all residents to gather opinions on the wildlife corridor and fencing issue.

Dot Schriener, Saddle Mountain Drive, reported the following percentage responses to the 2001 community survey question "Should the Town develop a program to identify and protect wildlife habitat?" Of the respondents 23 percent replied "Not important", 29 percent replied "Somewhat important", 22 percent replied "Important" and 19 percent replied "Very Important".

Nancy Couperus, Page Mill Road, talked about the wildlife survey sent December 2005 and the responses received. She felt that many residents are interested in learning about the wildlife in the Town.

David Hughes, La Loma Drive, appreciated the surveys that had been done. He felt that people would feel differently if they knew that supporting wildlife would prevent them from building a fence.

Brian Legates, Magdalena Avenue, would like the option to build a fence if he wanted on his property. He felt safety was a reason to consider fencing. He respects wildlife but would like the choice to do what he feels is safest for his family.

#### CLOSED PUBLIC HEARING

Commissioner Carey thanked the Open Space Committee for the work they had done. He stated that wildlife corridors had not been identified and suggested more study was needed to develop the concept before putting it into the General Plan.

Chairman Collins felt that the wildlife corridor wording in the Conservation Element was ready to be added to the General Plan.

Discussion ensued among the Commissioners regarding the Conservation Element, wildlife corridors and the fence ordinance.

Debbie Pedro, Planning Director, suggested using alternative language in the Conservation Element of the General Plan.

**MOTION SECONDED AND PASSED BY THE FOLLOWING ROLL CALL VOTE:** Motion by Commissioner Carey and seconded by Commissioner Cottrell that under Wildlife Species and Habitat of the Conservation Element to recommend to City Council the language as suggested by staff in revisions of 315 and related policies.

AYES: Commissioners Carey, Clow, Cottrell and Harpootlian  
NOES: Chairman Collins

4. OLD BUSINESS-none

5. NEW BUSINESS-none

6. REPORT FROM THE CITY COUNCIL MEETING

- 6.1 Planning Commission Representative for Jan. 11<sup>th</sup>-Commissioner Carey
- 6.2 Planning Commission Representative for Jan. 25<sup>th</sup>-Cancelled
- 6.3 Planning Commission Representative for Feb. 8<sup>th</sup>-Chairman Collins
- 6.4 Planning Commission Representative for Feb. 22<sup>nd</sup>-Commissioner Clow

Chairman Collins suggested review of the City Council meetings for the next Planning Commission meeting.

7. APPROVAL OF MINUTES

7.1 Approval of January 1, 2007 minutes.

MOTION SECONDED AND APPROVED: Motion by Commissioner Cottrell seconded by Commissioner Harpootlian and passed unanimously to approve the January 4, 2007 minutes as presented.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell & Harpootlian

NOES: None

8. REPORT FROM FAST TRACK MEETING – JANUARY 23, 2007

8.1 LANDS OF HYVER, 12366 Priscilla Lane (175-06-ZP-SD-GD); A request for a Site Development Permit for a new 5,605 square foot two-story new residence with a 800 square foot pool. (maximum height: 26'6") CEQA review - Categorical Exemption 15303(a) (Staff-Nicole Horvitz).

9. REPORT FROM SITE DEVELOPMENT MEETING – JANUARY 16 AND JANUARY 30, 2007

9.1 LANDS OF LANDS OF LIU, 26200 Elena Road (172-06-ZP-SD); A request for a Site Development Permit for a landscape screening plan and an 880 square foot swimming pool. CEQA review - Categorical Exemption 15304(b) (Staff-Nicole Horvitz).

9.2 LANDS OF LOS ALTOS HILLS, PURISSIMA HILLS WATER DISTRICT ADMINISTRATIVE BUILDING (Purissima Hills Water District, Applicant) 26375 Fremont Road (10-07-ZP-SD) A request for a Site Development Permit for a landscape screening plan for the new 1,948 square foot administrative building. CEQA review: exempt per 15304 (b) (Staff-Brian Froelich, AICP).

9.3 LANDS OF LOCKER, 12248 Via Arline (211-06-ZP-SD); A request for a Site Development Permit for an 800 square foot sport court, 430 square foot patio, and landscaping. CEQA review: exempt per 15303 (e) (Staff-Brian Froelich, AICP).

10. ADJOURNMENT

The meeting was adjourned by consensus at 11:12 p.m.

Respectfully submitted,

Victoria Ortland  
Planning Secretary